



# Public Notice

US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Public Notice Number: 200175137

Date: May 9, 2001

Comments Due: June 4, 2001

In reply, please refer to the Public Notice Number

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## TO WHOM IT MAY CONCERN:

**SUBJECT:** Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to discharge 356 cubic yards of fill material into **0.15 acre** wetlands adjacent to the Blue River for the expansion of the **Silverthorne-Dillon Joint Sewer Plant**, as shown in the attached drawings.

**APPLICANT:** Silverthorne-Dillon Joint Sewer Authority, P.O. Box 1309  
Dillon, Colorado 80498

**LOCATION:** The project is located along the Blue River in the north end of the Town of Silverthorne in the NE 1/4, NE 1/4 of Section 35, Township 4 South, Range 78 West, Summit County, Colorado.

**PURPOSE:** The purpose of the project is to expand the plant to meet the projected needs of the plants service area. The current capacity will be exceeded by 2003. The purpose of the project, which is the subject of this public notice, is the expansion of the plant in 2015 to 2020. The amount of impact is relatively small, 0.15 acre; however, the project could not be authorized by Department of the Army nationwide permit number 39 due to special condition 26 of the nationwide permits. This project involves an above grade fill within the FEMA approved 100-year floodplain, which is prohibited by special condition 26. The applicant needed to expand the plant this year to meet the near-term capacity increases of their service area. We authorized this minor expansion with impacts to 0.02 acre of degraded wetlands through Department of the Army nationwide permit number 18. The applicant is constructing all the wetlands proposed to mitigate the entire project this summer including the long-term expansion impacts. Part of the mitigation/enhancement involves the placement of fill material around the edges of an existing pond (not part of the sewer plant operations) to create wetland habitats around the pond.

**PROJECT DESCRIPTION:** The project involves the excavation of wetlands adjacent to the existing sewer plant and pouring of a concrete slab to construct the buildings that house the 2 new digesters and a clariflocculator. An aeration basin is also proposed in wetlands. The pond shoreline will be excavated to decrease slope and that material will be used to create wetland benches around the pond. Currently the pond is an excavated pit with little aquatic resource values. The aeration basin impacts 3,126 square feet of wetlands, the two digesters will impact approximately 2,675 square feet of wetlands and the clariflocculator will remove 613 square feet of wetlands. The project also includes a new outfall pipeline and new outfall location on the Blue River. The new pipeline will cross 140 linear feet of wetlands temporarily impacting 2,100 square feet of wetlands. The pipeline will be installed and the grade of the wetland will be returned to pre-construction contours.

**ALTERNATIVES:** There are not really any other practicable least damaging alternatives for the project proposal. The applicant has done a good job in attempting to avoid wetlands and minimize impacts. The expansion must be placed on the east side of the building to tie into the existing infrastructure within the building. The expansion cannot be placed on the west side of the building, as this would require completely reconstructing the plant at an exorbitant cost. The degraded wetlands that will be impacted do not warrant the cost of reconstructing the plant. The aquatic resource benefits for the Blue River related to a sewer plant that can meet the expected demand of the service area exceed the impacts to 0.15 acre of degraded wetlands. The entire project including the impacts authorized by nationwide permit is 0.17 acre. The applicant will mitigate all impacts this year by creating 0.17 acre of wetlands.

**AREA DESCRIPTION:** The project is located in floodplain of the Blue River in a rapidly urbanizing landscape of Summit County. The area is a riparian community in the montane region with riparian forests dominated by narrowleaf cottonwood, riverine willow wetlands and grass/sedge-dominated meadows. The project site includes the existing sewer plant buildings, and a mosaic of wetlands and uplands between the plant and the Blue River.

**ADDITIONAL INFORMATION:** The applicant has requested water quality certification from the Colorado Department of Public Health and Environment, Water Quality Control Division in accordance with Section 401 of the Clean Water Act. Written comments on water quality certification should be submitted to Mr. Phil Hegeman, Planning and Standards Section, Colorado Department of Public Health and Environment, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, Colorado, 80222-1530, on or before **June 4, 2001**.

The Colorado Department of Public Health and Environment, Water Quality Control Division also reviews each project with respect to the anti-degradation provision in state regulations. For further information regarding anti-degradation provision, please contact Mr. Hegeman at the Colorado Department of Public Health and Environment, Water Quality Control Division, telephone (303) 692-3518.

The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are no places either listed or recommended as eligible which would be affected. This activity would not affect any threatened or endangered species or their critical habitat. The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **June 4, 2001**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

For activities involving 404 discharges, a permit will be denied if the discharge does not comply with the Environmental Protection Agency's Section 404(b) (1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments on this permit application should be submitted to the District Engineer at the address listed above. Please furnish a copy of your written comments to the attention of Mr. Michael Claffey, Western Colorado Regulatory Office, U.S. Army Engineer District, Sacramento, 402 Rood Avenue, Room 142, Grand Junction, Colorado 81501-2563. For further information, please contact Mr. Michael Claffey, at telephone number (970) 243-1199, extension 13, or email [mclaffey@spk.usace.army.mil](mailto:mclaffey@spk.usace.army.mil).

Michael J. Walsh  
Colonel, Corps of Engineers  
District Engineer

Enclosures: Drawing(s)